

**AMENDMENTS TO THE CLAIMS:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

1 (currently amended). ~~A yeast promoter which comprises at least 17 contiguous nucleotides of an~~ An isolated and purified polynucleotide consisting of which is SEQ ID NO:2, wherein the ~~promoter polynucleotide~~ is operative as a promoter to express a nucleic acid molecule encoding a polypeptide when operably linked to said nucleic acid molecule.

2-8 (cancelled)

9 (currently amended). A yeast expression vector comprising the yeast ~~promoter polynucleotide~~ of claim 1.

10 (currently amended). The yeast expression vector of claim 9 wherein the yeast expression vector is selected from the group consisting of ~~pYLR110P+luc,~~ pYMR251AP+luc, ~~and pYMR107P+luc, pZEO1P+luc, pYLR110P,~~ pYMR251AP, ~~pYMR107P, and pZEO1P.~~

11-17 (cancelled)

18 (currently amended). A yeast cell transformed with the yeast expression vector of claim 9.

19 (currently amended). A yeast cell transformed with the yeast expression vector of claim 10.

20 (currently amended). A method for producing a polypeptide comprising the steps of:

- (a) constructing a yeast expression vector wherein a nucleic acid encoding the polypeptide is controlled by the ~~yeast promoter~~ polynucleotide of claim 1;
  - (b) transforming a culture of yeast cells with the yeast expression vector;
  - (c) maintaining the yeast cells in culture so that the polypeptide is expressed;
- and
- (d) recovering the polypeptide.

21 (currently amended). A method for producing a polypeptide comprising the steps of:

- (a) cloning a nucleic acid molecule encoding the polypeptide into an expression vector selected from the group consisting of ~~pYLR110P+luc~~, pYMR251AP+luc, and ~~pYMR107P+luc~~, ~~pZEO1P+luc~~, ~~pYLR110P~~, pYMR251AP, ~~pYMR107P~~, and ~~pZEO1P~~, wherein the nucleic acid molecule is operably linked to a promoter of the expression vector;
  - (b) transforming a culture of yeast cells with the yeast expression vector;
  - (c) maintaining the yeast cells in culture so that the polypeptide is expressed;
- and
- (d) recovering the polypeptide.

22 (currently amended). A method for producing a polypeptide comprising the steps of:

- (a) constructing a yeast expression vector wherein a nucleic acid molecule encoding the polypeptide is controlled by the polynucleotide of claim 1; ~~a yeast promoter which comprises at least 17 contiguous nucleotides of an isolated and purified polynucleotide which is SEQ ID NO:2;~~
- (b) transforming a culture of yeast cells with the yeast expression vector;
- (c) maintaining the yeast cells in culture medium and controlling the expression of the nucleic acid molecule encoding the polypeptide by varying the level of a fermentable carbon source in the culture medium; and
- (d) recovering the polypeptide.

23 (currently amended). The method of claim 22 wherein the fermentable carbon source is glucose.

24 (currently amended). A method for producing a polypeptide comprising the steps of:

- (a) constructing a yeast expression vector wherein a nucleic acid molecule encoding the polypeptide is controlled by the ~~yeast promoter~~ polynucleotide of claim 1;
- (b) transforming a culture of yeast cells with the yeast expression vector;

- (c) maintaining the yeast cells in culture medium and controlling the expression of the nucleic acid molecule encoding the polypeptide by varying the level of a non-fermentable carbon source in the culture medium; and
- (d) recovering the polypeptide.

25 (currently amended). The method of claim 24 wherein the non-fermentable carbon source is ethanol.

26 (currently amended). A method for producing a polypeptide comprising the steps of:

- (a) constructing a yeast expression vector wherein a nucleic acid molecule encoding the polypeptide is controlled by the polynucleotide of claim 1; ~~a yeast promoter which comprises at least 17 contiguous nucleotides of an isolated and purified polynucleotide which is SEQ ID NO:2;~~

- (b) transforming a culture of yeast cells with the yeast expression vector;
- (c) maintaining the yeast cells in culture medium and controlling the expression of the nucleic acid molecule encoding the polypeptide by varying the level of a fermentable carbon source and a non-fermentable carbon source in the culture medium; and
- (d) recovering the polypeptide.

27 (currently amended). The method of claim 26 wherein the fermentable carbon source is glucose.

28 (currently amended). The method of claim 26 wherein the non-fermentable carbon source is ethanol.

29 (currently amended). A method of identifying a promoter fragment, wherein the fragment has promoter activity comprising the steps of:

(a) generating a fragment comprising at least 17 contiguous nucleotides of an isolated and purified polynucleotide ~~which is~~ consisting of SEQ ID NO:2;

(b) cloning the fragment into a yeast expression vector, wherein the fragment is operably linked to a reporter gene;

(c) transforming yeast cells with the yeast expression vector;

(d) growing the yeast cells in yeast cell culture under conditions favorable for expression of the reporter gene; and

(e) assaying the yeast culture for a reporter protein expressed by the reporter gene;

wherein expression of the reporter gene indicates the fragment has promoter activity.